

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBI THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

AFFIDAVIT OF BRIAN ENGRAM

I, Brian Engram, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a Paralegal. I have been employed by the Department of Correction for 4 years. My duties include providing legal materials to inmates as requested in the SHU (Security Housing Unit). This information is accessed through Westlaw or from existing files of the SHU Law Library. Also, I provide photocopies and notary service to inmates. I assist with managing and maintaining a file for each inmate regarding their legal requests while housed in the SHU. I have held this position since April 1, 2001.
2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's law library usage, the number of uses of the prison's notary, and the frequency and volume of copied pages of legal material provided to Mr. Pepper by the Delaware Correctional Center.
3. In January, 2005, I was asked by the Legal Services Administrator to look into inmate

Pepper's issues regarding his legal phone calls to his attorney. I was informed by the Kent County Prothonotary's Office that inmate Pepper's attorney filed a motion to withdraw as his attorney. I sent a memo to inmate Pepper with the information I received. (*See* Memo dated January 18, 2005, Exhibit "D")

3. In regard to law library usage, inmates are not charged for any copies made in the law library. The practice of charging inmates for copies ended on December 1, 2003.

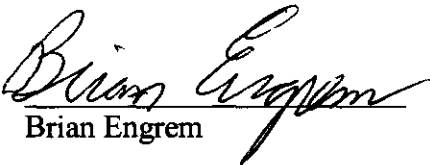
4. While in SHU, inmates are not allowed to go to the law library. They must request law library services. The requests are filled and the items requested are sent to the inmate, usually within seven days of the request. On the log, "Date In" means the date the inmate's request was received by the library, and "Date Out" means the date the requested items were sent to the inmate.

5. The attached log of inmate Monty Pepper's SHU law library requests start on November 11, 2004, and end when he was transferred from the SHU in August, 2005. The log is broken down by dates, with a description of the materials and services requested, along with the items received. It was generated by a review of the law library requests documentation. Between November 29, 2004 and February 5, 2004, the dates he cites in his claim, inmate Pepper requested law library services twenty three times. During that time period, the average turn around time for response to his request was three to five days. (*See* Law Library Use Log, Exhibit "N").

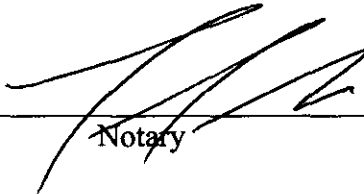
6. From November 29, 2004 to February 5, 2005, inmate Pepper requested the services of the Notary one time, and approximately forty five pages of poise of documents.

7. Inmate Pepper received copies of case during this time. The copy count does not include copies of cases which are supplied to the inmate as requested.

9. After leaving the SHU in August 2005, inmate Pepper had nineteen appointments at the Main Law Library in a two and a half month period between August 18, 2005 and November 4, 2005. Inmate Pepper failed to show for four appointments during that time. (See law library appointments list and Law Library Appointment Requests attached as Exhibit "8")
10. Mr. Pepper continues to have access to the above-listed legal resources.
11. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Brian Engrem

SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF January,
2006.



Notary